

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
Muttik et al.) Art Unit: 2132
)
Application No. 09/911,765) Examiner: Sandoval, Kristin D.
)
Filed: 07/25/2001) Atty. Docket No.:
) NAIIP466/01.042.01
For: ON-ACCESS MALWARE SCANNING)
) Date: May 15, 2007
)
.....)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner:

In response to the Notice of Allowance mailed 05/03/2007, please enter the following:

REMARKS

The Examiner has stated in the Examiner's Statement of Reasons for Allowance the following: "Gryaznov failed to teach scan dividing logic that divides an on-access malware scan in response to a complexity metric exceeding a predetermined threshold where the complexity metric is dependent on a computer file, level of nesting of embedded computer files, an initial attempt to scan said computer file which exceeded a predetermined time and a level of utilization of local processor and wherein an amount of said complexity metric that exceeds the predetermined threshold determines a number of tasks into which said on-access malware scan is divided" (emphasis added).

In response, applicant points out that at least some of the independent claims (e.g. Claims 48 and 49) are not necessarily limited to at least the emphasized features that the Examiner has highlighted above. Just by way of example, at least some of applicant's independent claims are not necessarily limited to a "complexity metric [that] is dependent on a computer file, level of nesting of embedded computer files, an initial attempt to scan said computer file which exceeded a predetermined time and a level of utilization of local processor," as the Examiner notes. In addition, at least some of applicant's independent claims do not specifically state a technique "wherein an amount of said complexity metric that exceeds the predetermined threshold determines a number of tasks into which said on-access malware scan is divided," as the Examiner further notes.

Clearly, at least some of the independent claims are not necessarily limited to the features that the Examiner has noted above in the Examiner's Statement of Reasons for Allowance, as emphasized above (by way of example only). Instead, each of the claims should only be limited by the language existing therein.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIIP466).

Respectfully submitted,
Zilka-Kotab, PC.

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